

To: Valentino, Michael[Valentino.Michael@epa.gov]; Setnicar, Mary[Setnicar.Mary@epa.gov]; Cunningham, Michael[cunningham.michael@epa.gov]
From: Lee, Jae
Sent: Wed 12/14/2016 3:45:41 PM
Subject: RE: Tradebe Information Request Letter
[IDEM issue letters.pdf](#)

Mike,

The IDEM's historical letters are attached.

I need to discuss with Mary about whose name the informal request letter would be sent to Tradebe, and any contingency.

From: Valentino, Michael
Sent: Wednesday, December 14, 2016 8:48 AM
To: Lee, Jae <lee.jae@epa.gov>; Setnicar, Mary <Setnicar.Mary@epa.gov>; Cunningham, Michael <cunningham.michael@epa.gov>
Subject: FW: Tradebe Information Request Letter

Jae,

Can you ask Ruth if she can send you the IDEM response to ETC from March '06? As I recall Dave Berrey was highly regarded for this technical expertise and knowledge of regulations. I would be interested in his position – and it may well help us.

As to Ruth's comments about information submitted to IDEM, I do not follow. During our conference call earlier this year – when IDEM was very cautious to say much of anything – did we not clarify then and there that the documents in our possession were the same documents in the possession of IDEM, which IDEM had received before us? If I recall correctly, the Info Request does reference analytical data that was sent to IDEM. Later this morning I will revisit that and amend per Ruth's request below.

Since IDEM will not be involved going further, is the plan to send an informal request directly from you or from Mary? Do we have a fallback position if Tradebe views the informal request as too burdensome and does not cooperate?

Michael

From: JEAN, RUTH [mailto:RJEAN@idem.IN.gov]
Sent: Wednesday, December 14, 2016 6:27 AM
To: Lee, Jae <lee.jae@epa.gov>
Cc: Setnicar, Mary <Setnicar.Mary@epa.gov>; Valentino, Michael <Valentino.Michael@epa.gov>; Cunningham, Michael <cunningham.michael@epa.gov>; John Naddy <jnaddy@idem.in.gov>
Subject: RE: Tradebe Information Request Letter

Jae,

I discussed your request with John Naddy in our compliance section. As I have indicated to you before, our compliance section makes recycling process exclusion determinations. As you know, IDEM's position on Tradebe's SDS unit has previously been questioned by the Environmental Technology Council (ETC) in 2006, and twice responded to by Dave Berrey (since retired from our compliance section). Each response was signed by IDEM's commissioner. IDEM's March 31, 2006 response to ETC indicated that EPA R5 staff had also evaluated the SDS.

According to John, our position continues to be that Tradebe's SDS unit meets the recycling process exclusion at 40 CFR 261.6(c)(1). As such, I agree with John that this matter is between EPA and Tradebe, and we will not be providing comments. However, we did note that your request for information references Tradebe submittals to IDEM. We have not seen these documents, and believe they may have been provided to IDEM's NW regional office inspector. I assume they were provided to EPA as well since you are commenting on these Tradebe submittals. As such, we request you indicate that these documents were provided to EPA.

If you have any specific questions, I recommend you contact John Naddy directly. John has the technical expertise to address your questions regarding the recycling process exclusion.

Thanks,

Ruth

*Ruth A. Jean
Senior Environmental Manager
IN Dept. of Environmental Management
Office of Land Quality
Hazardous Waste Permit Section
rjean@idem.in.gov
317.232.3398 direct
www.IN.gov/IDEM*

From: Lee, Jae [<mailto:lee.jae@epa.gov>]
Sent: Tuesday, December 13, 2016 11:04 AM
To: JEAN, RUTH
Cc: Setnicar, Mary; Valentino, Michael; Cunningham, Michael
Subject: RE: Tradebe Information Request Letter

Thank you Ruth for the response.

The question list is attached. Please let me know if you have any comments by 12/15.

Thank you